

**MINUTES OF PUBLIC MEETING
FOR THE CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD
FOR THE JUDICIARY**

A Public Meeting of the Corrections Officer Retirement Plan Local Board for the Judiciary was convened Tuesday, November 2, 2021 at 10:00 a.m., Conference Room 109, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

Board Member Present by Conference/Video Call: Kevin Kluge; Jennifer Fish; Mark Smalley; Jason Hathcock

Board Member Absent: Scott Mabery

Also Present: Vanessa Haney, Local Board Secretary (video call); Alicia Bocardo, Recorder (video call); Lesli Sorensen, Board Attorney (video call); Don Hendrix, Pinal County HR Analyst (video call); Rod McKone, Pinal County Chief Probation Officer (video call); Saul Schoon, Retired Member (video call)

Call to Order:

Approval of the Minutes:

October 5, 2021 – Public Meeting Minutes

Board member Mark Smalley noted a correction on Page 2.

MOTION: A motion to approve the public minutes of the October 5, 2021 meeting, with the correction made by Mark Smalley, was made by Jennifer Fish. The motion was seconded and passed unanimously; minutes stand approved as amended. **CORP 2021-53**

CORP Position Designation Decision:

The Board received a Notice of Retiree Return to Work from the Pinal County Superior Court for Saul Schoon. The form indicated that Mr. Schoon retired from the Maricopa County Probation Department effective March 31, 2021. Mr. Schoon returned to work for Pinal County on September 7, 2021 as a Probation Division Manager, which is not a CORP designated position.

The Board questioned whether an alternative contribution should be paid and directed staff to follow-up with Pinal County for more details on the nature of the position.

Pinal County provided the following: updated job description indicating that the position is part-time, the Chief Probation Officer's request to recruit for the "new" position and Mr. Schoon's formal offer letter indicating that he is not to exceed 29 hours/week, and Mr. Schoon is contributing to ASRS with the understanding that this is not a CORP position.

Pinal County explained that the probation division manager position is a newly created position within Adult Probation. Saul Schoon is the first incumbent in the position.

The Chair noted the presence from the following public members: Don Hendrix, Human Resources representative from Pinal County; Rod McKone, Pinal County Chief Probation Officer; retired member, Saul Schoon.

The Chair expressed concerns over the updated position description that was submitted. He stated there did not appear to be any changes and holds that the position, as it was presented, appeared to be aligned with a CORP designated position.

Mr. Makone informed the Board that the intention behind the position was to only to create a part-time administrative staff. He further explained that Mr. Schoon was specifically brought on to help with administrative functions as the county would be undergoing major managerial changes soon.

The Chair expressed how the position he described did not reflect that on the position description. He asked Pinal County representatives why the position description listed Defensive Tactics academy training and Arizona probation officer certification if the position would only oversee operational function at the administrative level.

Mr. Makone apologized that the position description did not represent the actual job duties and responsibilities of the intended position. He stated that the county had been experiencing a staff shortage and they made the mistake of reusing an existing position description template.

Mr. Hendrix stated that the position created would not require staff to be a badge carrying officer, have the certification, or academy training.

The Chair stated that a new position description eliminating those requirements would alleviate the concerns of the position being a CORP designated position.

Board member Jennifer Fish added that since the position would have more administrative function rather than supervising adult probation, it would also be ideal to have the position description reflect that.

The Chair asked Board Attorney Lesli Sorensen if the Board could approve the position as non-CORP designated if the county were to adjust the position description to exclude the minimum qualifications discussed.

Board Attorney Lesli Sorensen advised the Board that they could approve the position contingent on a receiving a new position description.

The Chair stated that although the position from the beginning listed “part-time” it did not necessarily invalidate the presence of CORP designation. He added that based on the Joinder Agreement, the position regardless should’ve gone to the Board to determine eligibility and Alternate Contribution Rate determination regardless if the position is part-time or not.

The Chair requested Pinal County to go before the Board whenever a position is made to determine eligibility.

MOTION: Jennifer Fish moved that the Board, conditioned upon receipt of an updated position description that removes references to probation certification, finds that the Probation Division Manager Part-time position is not a CORP designated position. The motion was seconded and passed unanimously. **CORP 2021-54**

Decision on Notice of Retiree Return to Work I:

The Board received a Notice of Retiree Return to Work from the Pinal County Superior Court for Saul Schoon. The form indicated that Mr. Schoon retired from the Maricopa County Probation Department effective March 31, 2021. Mr. Schoon returned to work for Pinal County on September 7, 2021 as a Probation Division Manager, which the Board designated as non-CORP designated.

A copy of A.R.S. §38-884.N-O. was provided to the Board. A copy of Mr. Schoon's current job description was provided to the Board. Per prior discussion – a new position description will be sent to the Board.

MOTION: Mark Smalley moved that: (1) Saul Schoon is eligible to continue to receive a CORP pension; (2) Pinal County is not responsible for paying an alternate contribution rate on his behalf. The motion was seconded and passed unanimously. **CORP 2021-55**

Decision on Notice of Retiree Return to Work II:

The Board received a Notice of Retiree Return to Work from the Maricopa County Superior Court for Wes Shipley. The form indicated that Mr. Shipley will retire from the Maricopa County Probation Department effective November 12, 2021. Mr. Shipley will return to work for Maricopa County on November 22, 2021 as a Professional Conduct and Special Projects Manager, which is not a CORP designated position.

A copy of A.R.S. §38-884.N-O. was provided to the Board as well as a copy of Mr. Shipley's current job description.

Board member Jason Hathcock read for the record correspondence from a representative at Public Safety Personnel Retirement system regarding retiree return to work IRS regulations. It stated, "The IRS makes the requirement of a bona fide separation from service; however, they do not qualify what that means or defines termination of employment." (Lowey, Joann)

Board member Jason Hathcock further explained that the return-to-work stipulations are worded to satisfy the IRS verbiage, but it is not in statute. He added that retirees returning to work would not break regulations if there was a clear bona fide separation. Mr. Hathcock added although Mr. Shipley would have a clear termination with the county before commencing a new non-CORP designated position, he was not inclined to decide at the November 2, 2021 meeting and was in favor of tabling the matter until after the member has terminated with the county.

The Chair agreed that it would be a better practice to process once a clear termination has taken place. The chair tabled this matter until the member has officially retired from the county.

Approval of Normal Retirement Benefits:

There were eight applications for Normal Retirement benefits submitted for the Board's approval pursuant to A.R.S. § 38-893 (D).

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amount effective November 1, 2021, except as noted, was made by Jason Hathcock. The motion was seconded and passed unanimously. **CORP 2021-56**

Robert Amerson \$2,443.92

Benjamin DeCorse \$3,177.20; Reverse DROP Estimate: \$55,945.41

Tammy Dew \$3,526.15 (effective July 2021)

Fernando Garcia \$2,915.42

Michelle Kridler \$3,074.42

Angelo Maisto \$3,915.56

Nancy Tharpe \$1,073.58

Maria Vilaire \$1,082.11

Approval of Survivor Benefit:

An application for a survivor benefit was submitted for the Board's approval pursuant to A.R.S. §38-887.

Member: Kimberly Cvetkovich (Retired Member, deceased October 10, 2021)
Benefit Payable to Spouse John Dodd beginning November 30, 2021: \$3,930.74

MOTION: A motion to approve the payment of a survivor benefit to the following applicant in about the following amount was made by Jennifer Fish. The motion was seconded and passed unanimously. **CORP 2021-57**

Member: Kimberly Cvetkovich (Retired Member, deceased October 10, 2021)
Benefit Payable to Spouse John Dodd beginning November 30, 2021: \$3,930.74

Approval of Membership:

The Local Board voted on the approval of the following requests for membership:

Baig, Rebecca	Pinal	9/12/2021
Cephers, Taylor	Maricopa	06/07/2021
Greene, Cala	Maricopa	08/22/2021
Ibarra, Rosario	Pinal	09/12/2021
Maldonado, Ana	Maricopa	08/29/2021
McKeon, Matthew	Coconino	08/30/2021
Silva Angulo, Ana	Yuma	06/07/2021

MOTION: Jason Hathcock moved to approve the seven applicants listed on the agenda for this meeting for membership in CORP pursuant to A.R.S. §38-893.D and to note for the record that the physical examinations for Yajaira Espinoza Zavala and TyRondre Yesslith identified a physical or mental condition or injury that existed or occurred before their date of membership in the plan. The motion was seconded and passed unanimously. CORP 2021-58

Approval of 2022 CORP Local Board Meeting dates:

Meeting dates for 2022 were proposed for the Board's approval. All meetings are scheduled to begin at 10:00 a.m. on Tuesdays.

January	4
February	1
March	1
April	5
May	3
June	7
July	5
August	2
September	6
October	4
November	1
December	6

MOTION: A motion to approve the proposed Board meeting dates for 2022 was made by Mark Smalley. The motion was seconded and passed unanimously. CORP 2020-59

Future Agenda Items:

The Chair requested the Local Board Secretary to add two items on the December 7, 2021 agenda: voting the new Local Board Secretary in; review of the Revised Model Uniform Rules of Local Board Procedure.

The Chair also requested that Board members send in any comments to PSPRS individually instead of at the December 7, 2021 meeting.

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 11:12 a.m.

Transcribed November 4, 2021.